

**AGENDA FOR THE
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TUESDAY, JULY 15, 2003 AT 10:00 A.M.
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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JULY 15, 2003 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at 533-5432.

A Special Joint Meeting of the **CITY COUNCIL/REDEVELOPMENT AGENCY** has also been scheduled. A special docket will be issued regarding this meeting. For more information, please contact the Redevelopment Agency Secretary at 533-5432.

ITEM-300: ROLL CALL.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-330: AAA Club of Southern California Hotel Circle.

Matter of the appeal by Mr. Randy Berkman of the River Valley Preservation Project, Mr. Eric Bowlby of the Sierra Club, and Mr. James A. Peugh of the Audubon Society from the decision of the Planning Commission in adopting Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program No. 2379 (LDR No. 42-0127) prepared in connection with the above named project.

(See City Manager Report CMR-03-135. MND/MMRP PTS No. 2379. Mission Valley Community Plan Area. District-6.)

(Continued from the meeting of July 1, 2003, Item 330, at the request of Councilmember Frye, for further review by public and by AAA.)

NOTE: Hearing Open. No testimony taken on 7/1/2003.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to deny the appeal, and to affirm the decision of the Planning Commission in adopting Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program No. 2379.

(R-2004-)

Adoption of a resolution granting or denying the appeal, and upholding or overturning the decision of the Planning Commission in adopting Mitigated Negative Declaration/Mitigation, Monitoring and Reporting Program No. 2379, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on May 1, 2003, voted 4 - 1 to adopt Mitigated Negative Declaration No. 42-0127; was opposition.

Ayes: Schultz, Brown, Ontai, Lettieri
Nays: Chase
Not present: Steele, Garcia

The Mission Valley Planning Committee on August 7, 2002, voted 15-1-0 to recommend approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

BACKGROUND

The subject property is an irregular shaped, relatively flat, 2.18 acre site. It is located on the north side of Interstate I-8 near the I-8 westbound Taylor Street off-ramp, immediately south of the San Diego River at 2432-2440 Hotel Circle Place. The site is zoned Mission-Valley Commercial Visitor (MV-CV), within the San Diego River Subdistrict of the Mission Valley Planned District in the Mission Valley Community Plan, Council District 6. Also, the Floodway boundary line is located just north of the subject site. The entire site is located in the Flood Fringe boundary and subject to the Environmentally Sensitive Lands Regulations. The Mission Valley Community Plan designates the site for Commercial Recreation. The subject site previously contained an abandoned tennis court, a parking lot, a restaurant building and an auto repair garage. The adjacent property to the east is improved with a hotel and the property to the west is improved with a restaurant. The San Diego River and the area to the north is part of the Multi-Habitat Planning Area (MHPA) and contains the Warner Ranch mitigation site with riparian habitat. North of the San Diego River is the River Valley Golf Course. An approximately 0.16-acre developed/disturbed portion of the site at the northeastern corner is located in the MHPA.

After receiving the staff report and testimony from the public, the subject project was approved by the Hearing Officer, on March 19, 2003.

Appeal to Planning Commission

On April 1, 2003, Randy Berkman and James Peugh appealed the Hearing Officer's approval of the project with concerns about consistency with the Land Development Code, Council Policy 600-14 and the environmental document prepared for the project.

After receiving the staff report and testimony from the appellants and interested parties on May 1, 2003, the Planning Commission voted 4-1 to uphold the decision of the Hearing Officer and to adopt the Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program.

Appeal to City Council

Subsequent to the Planning Commission's adoption of the environmental document, it was determined that effective January 1, 2003, Section 21151(c) of the California Environmental Quality Act had been amended as follows: *If a nonelected decisionmaking body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decisionmaking body, if any.*

Pursuant to this amended legislation, Randy Berkman, James Peugh and Eric Bowlby filed an appeal of the Planning Commission's decision on May 14, 2003. Note that CEQA now allows any interested party to appeal the adoption of an environmental document to the agency's elected decision making body, which in this case is City Council. However, this new appeal process applies only to the environmental document. Planning Commission's decision regarding the Site Development Permit, which was the result of an appeal of a Hearing Officer's decision (Process 3), is not appealable to the City Council.

FISCAL IMPACT:

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Ewell/Christiansen/JRJ

LEGAL DESCRIPTION:

The project site is located on a 2.18 acre site at 2432-2440 Hotel Circle Place in the Mission Valley community and is more particularly described as being a portion of Lot 1, Ohmer Subdivision according to Map No. 5344 and a portion of Lot 1 Hanalei, according to Map No. 5719.

ADOPTION AGENDA, HEARINGS
NOTICED HEARINGS:

ITEM-331: Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment-FY 2004.

(See City Manager Report CMR-03-104. Rancho Peñasquitos Community Plan Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-1329)

Resolution approving the Development Impact Fee schedule for properties within Rancho Peñasquitos.

Subitem-B: (R-2003-1330)

Resolution designating an area of benefit in Rancho Peñasquitos and the

boundaries thereof, confirming the description of public facilities projects, the community financing plan and capital improvement program with respect to public facilities projects, the method for apportioning the costs of the public facilities projects among the parcels within the area of benefit and the amount of the facilities benefit assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in facilities benefit assessments, and proceedings thereto, and ordering of proposed public facilities project in the matter of Rancho Peñasquitos Facilities Benefit Assessment Area.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/21/03, LU&H voted 4-0 to approve. (Councilmembers Peters, Zucchet, Lewis, and Frye voted yea. Councilmember Atkins not present.)

FISCAL IMPACT:

Approval of this revised Public Facilities Financing Plan and Facilities Benefit Assessment will continue to provide a funding source for the public facilities identified in the Rancho Peñasquitos Community Plan.

Ewell/Goldberg/JLC

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-332: Three actions related to the Proposed First Amendment to the Barrio Logan Redevelopment Plan for the Barrio Logan Redevelopment Project.

(See City Manager Report RA-03-21/CMR-03-130. Barrio Logan/Harbor 101 Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolutions in Subitems B and C:

Subitem-A: (O-2004-04)

Introduction of an Ordinance approving and adopting the First Amendment to the Redevelopment Plan for the Barrio Logan Redevelopment Project.

Subitem-B: (R-2004-36)

Approving the Proposed First Amendment to the Redevelopment Plan for the Barrio Logan Redevelopment Project, and accepting and approving the report to the Council of the City of San Diego for the Proposed First Amendment.

Subitem-C: (R-2004-37)

Certifying that Council has reviewed and considered information contained in the Final Environmental Impact Report for the Barrio Logan Redevelopment Project, and the Environmental Secondary Study for the Proposed First Amendment to the Barrio Logan Redevelopment Plan; and making certain findings and determinations regarding environmental impacts of the action.

NOTE: See the Redevelopment Agency agenda of 7/15/2003 for a companion item.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-333: Barrio Logan Redevelopment Project Ratification of PAC Election.

(See City Manager Report CMR-03-137. Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1436)

Ratifying the election results of May 21, 2003, for the Project Area Committee for the Barrio Logan Redevelopment Project Area; and authorizing the extension of the Project Area Committee for one year.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-334: Three actions related to Amendments to the Formation Procedures for the City Heights, College Community, and North Bay Project Area Committees (PAC's).

(See City Manager Report CMR-03-145. City Heights, College Area, and North Bay Community Areas. Districts-2, 3, 4, 6, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-51)

Approving proposed amendments to the Formation Procedures for City Heights
Redevelopment Project Area Committee.

Subitem-B: (R-2004-50)

Approving proposed amendments to the Formation Procedures for College
Community Project Area Committee.

Subitem-C: (R-2004-49)

Approving proposed amendments to the Formation Procedures for North Bay
Redevelopment Project Area Committee.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-335: Two actions related to Naval Training Center Redevelopment Project.

(See City Manager Report RA-03-12/CMR-03-088. Peninsula Community Area.
District-2.)

(Reconsideration of Item 332 from the meeting of 6/17/2003, at the request of
Councilmembers Peters and Madaffer, to allow time for public noticing.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-1264)

Declaring that Council finds and determines that the publicly owned infrastructure
improvements for which the Agency proposes to pay are of benefit to the Naval
Training Center Redevelopment Project, that no other reasonable means for
financing the proposed publicly owned infrastructure improvements are available
to the community, and that the proposed publicly owned infrastructure
improvements will assist in eliminating one or more blighting conditions inside the
Project area;

Declaring that Council finds and determines that the proposed publicly owned infrastructure improvements are consistent with the Implementation Plan adopted for the Project by the Redevelopment Agency pursuant to California Health and Safety Code Section 33490;

Subitem-B: (R-2003-1267)

Approving all the terms and conditions in the proposed Memorandum of Understanding;

Authorizing the City Manager, or designee, to execute the Memorandum of Understanding with the NTC Foundation;

Authorizing the City Manager, or designee, to expend an amount not to exceed \$2.7 million in City TOT funds, contingent on the receipt of an Auditor's Certificate to do so, to assist the NTC Foundation with its share of the CAM fees;

Authorizing the City Manager, or designee, to sign all documents necessary and appropriate to carry out and implement the Memorandum of Understanding and to administer the City's obligations, responsibilities and duties to be performed under the Memorandum of Understanding.

NOTE: See the Redevelopment Agency Agenda of 7/15/2003 for a companion item.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT